

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 08 CR 63-1
)	Judge Blanche M. Manning
)	
JOSE DOMINGO-CASTRO)	

**MOTION OF THE UNITED STATES FOR
ENTRY OF A FINAL ORDER OF FORFEITURE**

The UNITED STATES OF AMERICA, through PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, moves for entry of a final order of forfeiture as to specific property pursuant to the provisions of Title 18, United States Code, Section 982(a)(6)(A) and Fed. R. Crim. P. 32.2, and in support thereof, submits the following:

1. On February 6, 2008, an indictment was returned charging defendant JOSE DOMINGO-CASTRO with transporting illegal aliens in the United States for the purpose of private financial gain, pursuant to the provisions of 8 U.S.C. §§ 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i).

2. The indictment sought forfeiture to the United States of specific property pursuant to the provisions of 18 U.S.C. § 982(a)(6)(A), including, but not limited to approximately \$1,200 in United States currency.

3. On February 26, 2008, pursuant to Fed. R. Crim P. 11, defendant JOSE DOMINGO-CASTRO entered a voluntary plea of guilty to Count One of the indictment charging him with violations of 8 U.S.C. §§ 1324(a)(1)(A)(ii), and 1324(a)(1)(B)(i), thereby making certain property named in the indictment subject to forfeiture.

4. Pursuant to the terms of the plea agreement, as a result of his violations of 8 U.S.C. §§ 1324(a)(1)(A)(ii), and 1324(a)(1)(B)(i), defendant JOSE DOMINGO-CASTRO agreed that

approximately \$1,200 in United States currency is subject to forfeiture pursuant to the provisions of 18 U.S.C. § 982(a)(6)(A), because the property constitutes, is derived from, or is traceable to proceeds obtained directly, or indirectly, from the commission of the charged offenses.

5. On June 5, 2008, this Court entered a preliminary order of forfeiture forfeiting all right, title, and interest defendant JOSE DOMINGO-CASTRO had in the foregoing property for disposition according to law. The Court directed the United States Department of Homeland Security to seize and take custody of the foregoing property for disposition according to law. A copy of executed Process Receipt and Return Form for personal service of the seized property is attached as Exhibit A. Further, the United States was ordered to publish notice of the United States' intention to forfeit the foregoing property and to dispose of the property according to law.

6. Pursuant to the provisions of 21 U.S.C. § 853(n)(1), as incorporated by 18 U.S.C. § 982(b)(1), beginning on July 14, 2008 and continuing for three consecutive weeks ending on July 28, 2008, the Chicago Sun-Times published notice of the forfeiture and of the United States' intention to dispose of the foregoing property. A copy of the certificate of publication is attached as Exhibit B.

7. Patrick Eamon Boyle, as attorney for defendant JOSE DOMINGO-CASTRO, was duly served with copies of the Notice of Forfeiture and the Preliminary Order of Forfeiture. Keith J. Scherer, as attorney for co-defendant BORIS CHINCHILLA-LINARES, was duly served with copies of the Notice of Forfeiture and the Preliminary Order of Forfeiture. Copies of the executed Process Receipt and Return forms are attached as Exhibit C. Pursuant to the provisions of 21 U.S.C. § 853(n)(1), as incorporated by 18 U.S.C. § 982(b)(1), no other parties are known to have an interest in the property and accordingly, no other parties were personally served with a copy of the notice

of publication and preliminary order of forfeiture.

8. To date, no petitions have been filed requesting a hearing to adjudicate any interest in the foregoing property, and the time in which to do so has expired.

WHEREFORE, pursuant to the provisions of 18 U.S.C. 982(a)(6)(A) and Fed. R. Crim. P. 32.2, the United States requests that the Court enter a final order of forfeiture for approximately \$1,200 in United States currency, in accordance with the draft final order of forfeiture which is submitted herewith.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By: s/J. Gregory Deis
J. GREGORY DEIS
Assistant United States Attorney
219 S. Dearborn St., Room 500
Chicago, Illinois 60604
(312) 353-5300

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	No. 08 CR 63-1
)	Judge Blanche M. Manning
)	
JOSE DOMINGO-CASTRO)	

CERTIFICATE OF SERVICE

The undersigned Assistant United States Attorney hereby certifies that the following documents:

**MOTION OF THE UNITED STATES FOR
ENTRY OF A FINAL ORDER OF FORFEITURE**

was served on **September 10, 2008**, in accordance with FED. R. CRIM. P. 49, FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

Respectfully submitted.

PATRICK J. FITZGERALD
United States Attorney

By: s/ J. Gregory Deis
J. GREGORY DEIS
Assistant United States Attorney
219 South Dearborn Street, 5th Floor
Chicago, IL 60604
(312) 353-5300